

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD OCTOBER 16, 2000 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T      Mr. Larry L. Weeks, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

#### AGENDA REVIEW

Board members and staff met in work session to review the agenda package submitted for the meeting.

#### COUNTY SPACE NEEDS

A work session was held to review two options regarding space at 320 Hospital Hill office building and County office space needs.

#### DECENNIAL REDISTRICTING PROCESS

A work session was held to review the process required by Federal and State laws for redistricting in 2001 according to population figures provided by the Bureau of the Census.

#### CLOSED MEETING

Mr. Weeks moved to go into a closed meeting pursuant to Virginia Code Sections 2.1-344(A)(3) and 2.1-344(A)(7) for discussion or consideration of condition, acquisition or use of real property for public purposes and consultation with legal counsel related to probably litigation. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes:                                      Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Mrs. Sharon McCamy; Mr. Raymond Graham*

*Nays:                                      None*

*Absent During Vote:                  None*

*Abstention: None*

Upon reconvening from the closed meeting, Mr. Graham moved to adopt the following certification. Mr. Winkelmann seconded.

#### CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with

the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 16<sup>th</sup> day of October 2000, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

***VOTE:***

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Absent During Meeting: None***

***Abstention: None***

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

**ADOPTION OF THE AGENDA**

Mr. Graham moved to adopt the Agenda subject to moving Special Exception (#SE00-CR-13); Waiving the Requirements for the Type I Private Streets in RA and RC Zones Cedar Run Magisterial District from the Regular Agenda to the Consent Agenda; and adding Request for Board of Supervisors to Reduce the Time Requirement of Section 2-39.3.A.3 of the Subdivision Ordinance to Allow the Applicant to Transfer a Family Transfer Parcel to Non-Immediate Family Member to the Consent Agenda. Mrs. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Harry Atherton; Mrs. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: Mr. Joe Winkelmann***

***Abstention: None***

**CONSENT AGENDA**

Mr. Graham moved to adopt the following Consent Agenda items. Mrs. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Harry Atherton; Mrs. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: Mr. Joe Winkelmann***

***Abstention: None***

A Resolution to Reclassify the Position of Domestic Violence Resource Officer from Grant Funded, Full-Time Temporary to Full-Time Permanent

RESOLUTION  
A RESOLUTION TO RECLASSIFY THE POSITION OF DOMESTIC VIOLENCE  
RESOURCE OFFICER FROM GRANT FUNDED, FULL-TIME TEMPORARY  
TO FULL-TIME PERMANENT

WHEREAS, the position of Domestic Violence Resource Officer is currently a grant funded, full-time temporary position; and

WHEREAS, the position of Domestic Violence Resource Officer was approved as a full-time permanent position through the FY2001 budget process; and

WHEREAS, the position of Domestic Violence Resource Officer has been classified and graded at a level 28 on the County's Position Pay and Classification Plan; and

WHEREAS, the position of Domestic Violence Resource Officer provides a valuable resource to the citizens of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of October 2000, That the position of Domestic Violence Resource Officer be, and is hereby, established as a full-time permanent position; and, be it

RESOLVED FURTHER, That the position of Domestic Violence Resource Officer become part of the Fauquier County Position Pay and Classification Plan.

**A Resolution to Approve the Memorandum of Understanding with Quantico Marine Base**

RESOLUTION  
A RESOLUTION TO APPROVE THE MEMORANDUM  
OF UNDERSTANDING WITH QUANTICO MARINE BASE

WHEREAS, the Board of Supervisors recognizes the importance of sharing resources with neighboring jurisdictions during emergency events; and

WHEREAS, the Board of Supervisors, the Fauquier Fire and Rescue Association, and the Quantico Marine Base have developed a Memorandum of Understanding (MOU) for providing fire, rescue, and emergency service resources; and

WHEREAS, each of the parties hereto provides, has or maintains certain equipment and personnel for use in response to emergency situations through paid and/or volunteer companies within their jurisdictions and areas; and

WHEREAS, the Board of Supervisors, the Fauquier Fire and Rescue Association, and the Quantico Marine Base hereto desire to define their cooperative arrangement for fire protection and rescue service and augment the fire protection and rescue

service available in their various jurisdictions and areas in the event of large fires or conflagration or disasters; and

WHEREAS, it is the policy of the Board of Supervisors, the Fauquier Fire and Rescue Association, and the Quantico Marine Base to conclude such agreements whenever practicable; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this Agreement to render assistance to one another in accordance with these terms; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of October 2000, That the Chairman be, and is hereby, authorized to sign the approved Agreement on behalf of Fauquier County with implementation effective this date.

A Resolution Establishing a Policy for the Collection of Delinquent Fauquier County Real Estate Taxes

RESOLUTION  
A RESOLUTION ESTABLISHING A POLICY  
FOR THE COLLECTION OF DELINQUENT  
FAUQUIER COUNTY REAL ESTATE TAXES

WHEREAS, a significant amount of delinquent real estate taxes exists in the County; and

WHEREAS, the Fauquier County Board of Supervisors desires to aggressively collect delinquent real estate taxes in the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of October 2000, That the Board of Supervisors does hereby adopt the attached policy for the collection of delinquent real estate taxes.

POLICY FOR THE COLLECTION OF DELINQUENT  
FAUQUIER COUNTY REAL ESTATE TAXES

The Fauquier County Board of Supervisors does hereby establish a no tolerance policy for delinquent Fauquier County real estate taxes on parcels that are not owner-occupied homes. The Board will utilize all available legal remedies to collect delinquent real estate taxes for parcels that are not owner-occupied homes. The Board will institute foreclosure suits as early as practicable each calendar year as parcels become eligible. Additionally, the Board urges the Treasurer and Commissioner of the Revenue to use all remedies available to them including the mandatory withdrawal from land-use and seeking personal judgments against any or

all owners prior to eligibility for foreclosure.

The Board also establishes a “get tough” approach to delinquent real estate taxes for parcels that are owner-occupied homes. The Board will institute collection actions, including foreclosures, in all but the most severe cases of hardship.

The Board urges the Treasurer’s Office and County Attorney’s Office to implement the following strategy for real estate tax collections beginning in 2001:

- Continue to pursue parcels that are not owner-occupied as soon as they become eligible for foreclosure (more than three years delinquent).
- No hardship payment plans will be offered for parcels that are **not owner-occupied** unless the owner can prove that the parcel is necessary for their livelihood or survival (i.e. animals or crops are raised for food, wood is cut as sole heating source).
- Current six month hardship payments plans will be honored pending a review of their situation at the end of the six month period (no later than January 2001). For taxpayers that meet the new criteria for hardship, payment plans will be renewed at additional six month intervals.
- Seek judgments against those property owners that pay only enough taxes each year to avoid foreclosure.
- Once a taxpayer has been contacted by the County Attorney’s Office, payment plans will only be offered to taxpayers after consultation and advice from the County Attorney’s Office.
- Once a foreclosure has begun, redemption payment arrangements under Virginia Code § 58.1-3965.C. for up to 24 months will only be offered under the same new criteria for hardship payment plans.
- In working with occupied parcels, start with those with the highest assessed value first, business owned parcels and those that are approaching the twenty year statute of limitations.
- For owner-occupied parcels where the taxpayer appears to be suffering from a temporary hardship, delay the foreclosure for a set period of time to allow the person to get back on their feet or sell the property themselves.
- For owner-occupied parcels where the taxpayer appears to be suffering a hardship that time will not cure (i.e. advanced age or disability), send a memo to the Board member in whose district the parcel lies requesting direction. If the Board member wants to foreclose, action will be commenced. If the Board member would like the parcel spared from foreclosure, a memo will be drafted for the full Board’s consideration.

A Resolution Directing the County Administrator to Schedule a Public Hearing on the

Proposed Lease of 0.6276 Acres Located on Keith Street in the Town of Warrenton to the Plane Tree Townhouse Homeowners Association

## RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR  
TO SCHEDULE A PUBLIC HEARING ON THE PROPOSED LEASE OF  
0.6276 ACRES LOCATED ON KEITH STREET IN THE TOWN OF  
WARRENTON TO THE PLANE TREE TOWNHOUSE HOMEOWNERS ASSOCIATION

WHEREAS, the County of Fauquier currently owns a 2.0704 acre parcel of land, a portion of which is located on Keith Street in the Town of Warrenton; and

WHEREAS, the County owned land abuts property owned by the Plane Tree Townhouse Homeowners Association; and

WHEREAS, the Plane Tree Townhouse Homeowners Association has requested to lease 0.6276 acres to the Plane Tree Townhouse Homeowners Association; and

WHEREAS, the Board of Supervisors of Fauquier County wishes to receive citizen comment on the proposed lease of the aforesaid land; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of October 2000, That the County Administrator be, and is hereby, directed to schedule a public hearing on the proposed lease of 0.6276 acres, a portion of a 2.0704 acre parcel of land owned by the Board of Supervisors of Fauquier County, and having a PIN 6984-33-0192.

### **A Resolution to Authorize a Public Hearing to Amend the Budget**

## RESOLUTION

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO AMEND  
THE FAUQUIER COUNTY FY2001 ADOPTED BUDGET

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2001 Budget on March 20, 2000; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the County has received federal, state and other minor revenues

totaling \$624,341 which require appropriation; and

WHEREAS, the Finance Committee has recommended the formal appropriation of \$1,500,000 in General County Fund Balance to support the Board of Supervisors identified projects of swimming pool construction at Vint Hill (\$500,000), support of the new access road to the Landfill (\$750,000) and an Economic Opportunity Fund (\$250,000); and

WHEREAS, the Finance Committee also recommended re-appropriation of \$1,461,866 from prior year General County Fund Balance to support various operational needs; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of October 2000, That the County Administrator be, and is hereby, directed to advertise a public hearing on the amendment of the Fauquier County FY 2001 Budget.

Fauquier County Code Amendment – Sections 18.5-12, 18.5-16, and 18.5-17 Regarding Johnson Grass

## ORDINANCE

AN ORDINANCE AMENDING SECTIONS 18.5-12, 18.5-16 AND 18.5-17

OF THE CODE OF FAUQUIER COUNTY RELATED TO ENFORCEMENT

OF THE JOHNSON GRASS ORDINANCE AND TRANSFERRING

AUTHORITY TO ADMINISTER AND ENFORCE THE JOHNSON GRASS ORDINANCE  
TO THE AGRICULTURAL ADVISORY COMMITTEE

WHEREAS, Chapter 18.5 of the Code of Fauquier County was adopted to prevent, control and abate the growth, importation and contamination of uninfested lands by the existence and growth of Johnson grass; and

WHEREAS, Chapter 18.5 sets forth a series of enforcement provisions for landowners who shall fail to ignore or refuse to comply with the requirements of Chapter 18.5; and

WHEREAS, Section 18.5-16(d) and (e) requires the Johnson Grass Control Committee to advise the Commissioner of Revenue of any person not exercising proper control of noxious weeds for consideration for either failure to qualify for, or for

the removal from, the special land use assessment program; and

WHEREAS, since the adoption of Chapter 18.5 on August 18, 1992, no person has been removed from, or denied access to, the special land use assessment program for failing to exercise proper control of noxious weeds; and

WHEREAS, the Johnson Grass Control Committee has recommended the removal of Sections 18.5-16(d) and (e) and the clarification of the procedures to abate violations of Chapter 18.5; and

WHEREAS, the Agricultural Advisory Committee has recommended that primary administration and control over the Johnson grass Ordinance be transferred from the Johnson Grass Control Committee to the Agricultural Advisory Committee; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of October 2000, That Sections 18.2-12, 18.5-16 and 18.5-17 be, and are hereby, amended to read as follows:

#### **§18.5-12. Definitions.**

As used in this article:

*Committee* means the Agricultural Advisory Committee

#### **§ 18.5-16. Enforcement.**

(a) No landowner or lessee of land shall ignore or refuse to comply with the affirmative duties regarding Johnson grass control imposed by this article.

(b) ***If at any time the Agricultural Advisory Committee or its designee shall find that a landowner is violating any provision of this Chapter, the Agricultural Advisory Committee or its designee shall notify in writing, by registered or certified mail, return receipt requested, the person in violation of any compliance agreement promulgated hereunder.. Said notice shall give notice of the violations and direct the landowner to remedy the violation within 10 days. Any landowner aggrieved by a decision of the Agricultural Advisory Committee or its designee may, within ten (10) days of the service of the notice of violation, appeal its decision to the Board of Supervisors, in which case the terms of such notice shall be stayed pending action of the Board, whose decision shall be final.***

(c) If the committee, through information known to its members, agents, or employees, has reasonable grounds to believe that Johnson grass exists on any property within the County, and the owner or lessee of that land refuses to permit the committee or its agents, employees, or members to enter on such property to inspect, survey or otherwise control or eradicate the Johnson grass. the Committee or any



member thereof, after requesting permission to enter such property and after such request has been refused, may request the commonwealth's attorney or any law enforcement officer of the county to procure a search warrant enabling the committee to enter onto the property and to inspect, observe and search for Johnson grass on such property.

~~(d) The Johnson grass control committee shall advise the county commissioner of the revenue of the names of all persons violating any provision of this chapter and the location of all property connected with such violation. Pursuant to the standards promulgated by the commissioner of agriculture and consumer services for the commonwealth requiring the control of noxious weeds as a pre-requisite for qualification of land as agricultural land under the special land use assessment act, the commissioner of the revenue shall consider such reported violation of this chapter as a factor in determining whether certain land qualifies for special agricultural or horticultural assessment under Chapter 8, Article III, of this Code.~~

~~(e) Likewise, the Johnson grass control committee shall advise the county commissioner of the revenue by September first of each year of the names of all persons having property in special agricultural or horticultural assessment and who are not exercising proper control of noxious weeds for consideration for removal from the special land use assessment program.~~

(d) If any landowner shall fail to abate any violation of this Chapter after due notice pursuant to this section, or fail to comply with the terms imposed by the Board of Supervisors on appeal, the Agricultural Advisory Committee, or its designee, shall forthwith take all actions necessary to abate the violation which is the subject of the notice and all costs and expenses incurred in abating the violation, including but not limited to the cost of sprays, labor, equipment purchase or rental, administrative costs and reasonable attorneys fees, shall be charged to the landowner to be collected in the same manner as taxes or in any other manner authorized by law.

***(e) Abatement by the Agricultural Advisory Committee or its designee of any violation of this Chapter constituting a nuisance and reimbursement to the county of expenses incurred thereby shall not bar prosecution for maintenance of the violation.***

#### **§ 18.5-17. ~~Johnson grass control committee~~ *Agricultural Advisory Committee***

~~There is hereby established a Johnson grass control committee~~ ***Authority to administer and enforce this chapter shall be vested in the Agricultural Advisory Committee*** which shall be composed of such members as shall be appointed by the Board of Supervisors, which committee shall serve at the pleasure of the Board of Supervisors and shall be made up from members of the County agricultural community. Said committee shall, ***among other duties and responsibilities as assigned by the Board of Supervisors***, have the following duties and responsibilities ***related to this chapter***:

- (1) To promulgate and determine guidelines and regulations for Johnson

grass control and administer the Johnson grass control program;

(2) To conduct surveys to determine the location and amount of infestations of Johnson grass within the county;

(3) To provide the necessary technical and other assistance to landowners in a cooperative program aimed at controlling or eradicating Johnson grass; the County to pay the agreed share of labeled chemicals and sprays only; and

(4) To effect a program of spraying or other control practices on road rights-of-way, drainage ditch banks, parks, playgrounds, utility rights-of-way, open land, farm lands, woodlands and other public or private lands.

A Resolution to Authorize the Revision of Personnel Policy Section #51, Travel Policy and Procedures

#### RESOLUTION

#### A RESOLUTION TO AUTHORIZE THE REVISION OF PERSONNEL POLICY SECTION #51, TRAVEL POLICY AND PROCEDURES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of providing uniform travel standards and regulations; and

WHEREAS, the Travel Policy and Procedures provides the means whereby these standards and regulations are set forth; and

WHEREAS, an evaluation was conducted of the Travel Policy and Procedures; and

WHEREAS, the recommended changes are contained in the revised Travel Policy and Procedures attached hereto and dated October 16, 2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of October 2000, That the revisions made in Personnel Policy, Section Number 51, Travel Policy and Procedures be, and are hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of these revisions be October 16, 2000; and, be it

RESOLVED FINALLY, That the County Administrator, or his designee, be, and is hereby, directed to administer the revised Travel Policy and Procedures in accordance with applicable Fauquier County policies and procedures.

#### PERSONNEL POLICY

**Fauquier County, Virginia**

Effective Date

Policy Title:

51

Supersedes Policy

Travel Policy And Procedures

07/01/00

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**I. PURPOSE**

To publish uniform standards and regulations approved by official action of the Board of Supervisors (BOS)/School Board (SB) governing official and authorized travel by Fauquier County Government/Public School employees, members of boards, commissions and authorities engaged in Fauquier County business.

**II. DEFINITIONS**

- A. Authorized Travel: Travel to be performed by County/School employees which is reviewed and approved in the budget process and for which funds are included in the budget.
- B. Local Travel: All daily travel performed within the boundaries of Fauquier County by employees in accomplishing their assigned duties is considered local travel. Department Head/Constitutional Officer/Associate Superintendent/Principal/Supervisors will manage the allocation of available resources to accomplish local travel most efficiently and effectively throughout the year.
- C. Regional Travel: All daily travel to locations outside the boundaries of Fauquier County for the purpose of attending inter-jurisdictional meetings, training, or other official functions is considered regional travel. Regional travel requires Department Head/Constitutional Officer/Associate Superintendent/Principal/Supervisor approval.
- D. Extended Travel: All overnight trips to destinations outside Fauquier County to attend meetings, conferences, training, or other work related functions is considered extended travel.

**III. GENERAL POLICIES**

- A. Applicability: This policy on travel shall apply to all employees and members of boards, commissions, and authorities of Fauquier County who adhere to the personnel policies and other administrative guidelines for Fauquier County Government/School Division as approved by the Board of Supervisors/School Board. Employees are not guaranteed attendance at conferences and training seminars. Department Head/Constitutional Officer/Associate Superintendent/Principal/Supervisor have the authority to approve or disapprove requests for conferences, training, seminars and other business travel. Supervisors are encouraged to provide these opportunities appropriately and fairly.
- B. Responsibility: Each employee and department head is expected to

exercise sound and prudent judgement when arranging for, incurring and approving travel expenditures. Travel expenditures must not exceed a department's total travel budgetary allocation.

- C. Expenditure Limits: Expenditures for any individual employee to attend any single meeting, conference, training, seminar or other work related function shall not exceed \$1,000. The \$1,000 limit is inclusive of travel, registration and other costs associated with attending such work related functions.

D. In those instances which may arise where funds for certain desired travel exceed the \$1,000 limit referenced in paragraph III.C, the requesting agency may make an appeal for an exception to policy. Such an appeal must demonstrate good cause and must be made through the County Administrator, to the Board of Supervisors.

- E. Hardship: Except for registration, per diem and advance conference fees, all travel payments shall be in the form of employee reimbursements unless prior approval for hardship cash advance is submitted to and approved by the County Administrator/Superintendent of Schools.

- F. Excessive Expenses: Persons traveling on official County/School business will exercise care in incurring expenses to minimize the cost to the County Government/School Division. Excessive and unnecessary expenses will not be reimbursed. Those with authority as specified in paragraph III.A above will determine if expenses are excessive.

- G. Joint Travel: When two or more employees travel to the same destination, maximum use shall be made of special group travel discounts, joint use of taxicabs and joint use of County/School-owned, leased or privately-owned vehicles. County Government/School Division strongly urges all employees to carpool, use commercial transportation, etc., where feasible.

- H. Gasoline Credit Cards: County Government/School Division-issued gasoline credit cards may be used with the following restrictions:

1. The card may only be used to purchase gas or oil and for emergency repairs when it is not practical to return to the County garage or have the vehicle towed to the County garage.

2. The gasoline may only be charged to the card when it would not be practicable to return to the County pumps for gasoline.

3. The card may not be used for food, drinks, cash advances, or items for personal use.

I. International Travel. International travel (to locales outside the 48 contiguous United States) shall be subject to these policies and procedures and to the authorization of the County Administrator/Superintendent of Schools.

#### **IV. POLICY ADMINISTRATION**

The administration of this policy will be as follows:

- A. Board of Supervisors/School Board will adopt provisions of policy; set rates of reimbursement and make any significant alterations.
- B. County Administrator/Superintendent of Schools/Board Chairpersons (Library, Social Services, Park and Recreation, etc.) will implement all provisions of this policy, authorize exceptions as permitted and make changes to operating procedures as necessary, and maintain this policy on file in the Office of the County Administrator/Superintendent of Schools.
- C. County Administrator/Superintendent of Schools/Board Chairpersons approval is required when more than one employee plans to attend an event that is outside of the Washington Metropolitan area and will involve overnight travel. This approval is required even if the employees are from different departments/schools.
- D. Finance Department will administer the policy (review policy for compliance, keep records, prepare advances and checks, note discrepancies, etc.). Department Head/Constitutional Officer/Associate Superintendent/Principal/Supervisor will budget all travel and will determine appropriateness of all travel undertaken by departmental/division staff. Not all daily travel will qualify for reimbursement under this policy due to unique circumstances within departments. Policies governing unique circumstances will be established at Department level.
- E. The County Administrator/Superintendent of Schools will make recommendations to the Board of Supervisors/School Board on all travel requests submitted through the budget process by Department Head/Constitutional Officer/Associate Superintendent/Principal/Supervisor.

## **V. TRANSPORTATION**

- A. Policy: It is expected that the most direct, practical and economical mode and route of travel is arranged and used. Transportation is paid only if it is reasonable and necessary to accomplish the County's business.
- B. County Vehicle: County vehicles should be used for day or overnight travel whenever possible.
- C. Personal Vehicle: Personal vehicles should be used for transportation for local, day or overnight travel only when a County vehicle is not available or use of a County vehicle is highly inconvenient. The rate of reimbursement is equal to the rate established by the State of Virginia (See Appendix 1). Payment is provided (at the employee's request) for travel in personal vehicles that are necessary during the course of a workday. The distance normally traveled from home to worksite (or the equivalent distance) is not payable. If an employee is required to go home and return to work, the department head, depending on circumstances, may approve mileage reimbursement. In the event of an accident the employee's insurance will be sole and primary. The County will reimburse the employee's deductible up to \$250.00.
- D. Commercial Transportation (Airplane, Rental Car, Taxicab, etc.): It is expected that the most economical and efficient mode and route of travel is used and that all travel is necessary to accomplish the County's

business. Transportation should be shared by employees traveling together whenever possible. Rental cars may be used only when necessary for official purposes while traveling.

## **VI. LODGING**

- A. Accommodations: Accommodations will be arranged on a single occupancy basis only, unless there is more than one County employee traveling and a room is being shared. Accommodations are arranged at (or closest to) the site of business. A receipt for lodging expenses will be needed and must accompany the travel voucher to ensure reimbursement.
- B. Overnight: Lodging for overnight stays must be necessary and reasonable to accomplish the County's business. It is the Department Head/ Constitutional Officer/Assistant Superintendent/Principal/Supervisor's discretion as to what constitutes a legitimate need for overnight lodging.
- C. Non-Canceled Hotel Reservations: Employees will communicate travel plan changes to the hotel as soon as possible when a confirmed reservation is being held. Since hotels can charge for non-canceled reservations, these charges will not be reimbursed if the traveler is negligent in canceling those reservations.

## **VII. MISCELLANEOUS EXPENSES**

- A. Allowed Expenses: Taxes and surcharges paid by the traveler for lodging will be reimbursed. Business telephone calls and facsimiles paid for by the traveler will be reimbursed. Tolls and parking fees are reimbursable. A receipt is required for reimbursement claims greater than \$10.00.
- B. Telephone Toll Charges: Toll charges are distinguished from local calls charged against the hotel bill. These charges must be stated on the reimbursement voucher with an explanation of why they were made. Employees are exhorted to use the County credit card available from Operations and Services Division in Support Services due to the high cost of connection charges levied by most hotels and motels.

## **VIII. TRAVEL APPROVAL**

Travel by:                      Signature Approval

Departmental Staff	Department Head/
School staff	Constitutional Officer
Department Head/	Principal/Supervisor
Constitutional Officer/Registrar	County Administrator/Dpty.
	County Administrator

Department Head (Library, Social  
Services, Parks & Rec., etc.)

Board Chairperson

Principal/Supervisor

Superintendent of Schools/Associate Superintendent  
Outside U.S. County Administrator/ Superintendent of Schools

Members of BOS/SB

Board Chairperson/Vice

Chairperson

Members of Boards/  
Comm. (Non-BOS/SB)

County Administrator/  
Superintendent of Schools

County Administrator/County Chairperson, BOS

Attorney

Superintendent of Schools

Chairperson, SB

Court System Personnel

Chief Judge of applicable court

## **IX. PER DIEM ALLOWANCES FOR MEALS**

A. General. Employees will be compensated for meals consumed during official travel as indicated below.

1. Local and Regional Travel. An employee will be reimbursed for meals, tips and incidental expenses through the per diem rate set out in Appendix 1 of this policy. The amount of per diem depends on the time period of travel:

a. Breakfast: generally from 6:00 – 10:00 AM

b. Lunch: generally from 11:00 AM – 2:00 PM

c. Dinner: generally from 5:00 – 9:00 PM

Note: Not all travel will qualify for reimbursement. See paragraph IV.E above.

2. Extended Travel. An employee is eligible for per diem at a flat rate per day for the cost of meals, tips and incidentals for each full day of travel. For per diem allowances, travel begins on the day an employee leaves the place of abode, office or other point of departure and ends on the day the employee returns to the place of abode, office, or other departure point. For partial days, while enroute to or returning from overnight travel, an employee will be reimbursed as stated in paragraph 1 above.

3. Exceptions. When it can be determined factually that the standard per diem rates are not appropriate for the particular travel location, the official responsible for directing travel should seek authority to prescribe a fixed per diem at a rate different from the standard rate. Such authority must be requested and approved by the County Administrator/Superintendent in advance of the travel.

B. Non-reimbursable Meals. An employee will not be eligible for per diem or reimbursement at the maximum daily allowance for meals when any or all meals

are furnished as a condition of travel. If all meals are provided on a given day(s), the employee will not receive per diem for that day. If less than three meals are furnished, the employee will receive the amount specified for the non-included meal(s). The number of reimbursable meals will be indicated on the Per Diem/Reimbursement Voucher along with the date the meal(s) was (were) consumed. Non-reimbursable meals are defined as:

1. Any meal included in a registration or conference fee ultimately paid by the County; or
2. Any meal furnished at no cost to the employee by a school or vendor while attending a course of instruction if the cost of the meal is ultimately paid for by the County as part of the cost of instruction; or Any meal furnished by an airline where the cost of the ticket is paid for by the County; or
3. Any meal furnished by a private individual or firm that serves to replace a meal(s) that would normally be funded as part of the per diem.
4. For the purposes of this policy continental breakfast and heavy hors d'oeuvres are not classified as non-reimbursable meals. For example, a traveler will be reimbursed for breakfast even if a continental style meal is provided by the hotel.

## **Appendix 1 to County Travel Policy**

### **PER DIEM RATES**

**(Effective July 1, 2000)**

- I. **Mileage:** \$.325 per mile.
- II. **Meals:**
  - A. **Daily Meal Rates:** Breakfast-\$10.00, Lunch-\$12.00, Dinner-\$23.00
  - B. **Daily Per Diem:** \$45.00

A Resolution to Revise Personnel Policy, Section Number 16, Training, Career Development, and Education

### **RESOLUTION**

#### **A RESOLUTION TO AUTHORIZE THE REVISION OF PERSONNEL POLICY SECTION #16, TRAINING, CAREER DEVELOPMENT, AND EDUCATION ASSISTANCE**

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of providing adequate funding for employee training and career



development; and

WHEREAS, the Training, Career Development, and Education Assistance Policy provides the means whereby funding for training and career development is determined; and

WHEREAS, an evaluation was conducted of the Training, Career Development, and Education Assistance Policy; and

WHEREAS, the recommended changes are contained in the revised Training, Career Development, and Education Assistance Policy attached hereto and dated October 16, 2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of October 2000, That the revisions made in Personnel Policy, Section Number 16, Training, Career Development, and Education Assistance be, and are hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of these revisions be October 16, 2000; and, be it

RESOLVED FINALLY, That the County Administrator, or his designee, be, and is hereby, directed to administer the revised Training, Career Development, and Education Assistance Policy in accordance with applicable Fauquier County policies and procedures.

**PERSONNEL POLICY**

Fauquier County, Virginia

Policy Title	Section No.	Effective Date
Training, Career Development,	16	10/16/00
and Education Assistance		Supersedes Policy 10/1/97

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**I. Purpose**

The Board of Supervisors recognizes that County services are enhanced by well trained and educated employees. The Board is interested in creating a workplace that encourages excellence in employee performance by providing professional and personal growth opportunities, a motivational work environment, quality work experiences, and rewards for individual and team-based accomplishment.

## **II. Scope**

Full-time permanent employees, who have completed their probationary period, are eligible for this program.

## **III. Training and Career Development**

Types of Training for County Employees; Designated County Department Responsible for coordination of Training and Staff Development in the County.

- a. County-wide: This training is funded in the Personnel Department and consists of general training applicable to the majority of the workforce such as supervisory training, interpersonal skills development, computer application software classes, etc. The Training Coordinator, under the direction of the Personnel Director, coordinates this training with the workforce.
- b. Agency-specific: This training is funded in the individual departmental budgets line items for training relating to the specific work-related training requirements of the department. An example of this type of training is a professional certificate in human resources management for an employee in the Personnel Department.
- c. Tuition Reimbursement Program: This training is funded in the Personnel Department and is designed to reimburse employees in any department for courses taken leading to a formal professional accreditation or degree from a university.

### *Guiding Principles*

- a. Without regard to race, sex, age, marital status, religion, disability or national origin.
- b. Employee training and career development activities must be related to organizational goals and objectives
- c. As funding and resources are available, the County will offer a training and career development program which will address organizational needs, skill development and acquisition of knowledge.
- d. Expenditures for any individual employee to attend any single training or career development opportunity shall not exceed \$1,000. The \$1,000 limit is inclusive of travel, registration and other costs associated with the training or career development opportunity.
- e. In those instances which may arise where funds for certain training or career development exceed the \$1,000 limit referenced in paragraph D above, the departmental director may make an appeal for an exception to policy. Such an appeal must demonstrate good cause and must be made through the County Administrator, to the Board of Supervisors.

- f. Employee training and career development should enhance quality job performance so that County needs are met and service delivery is improved. Training and career development activities should be developed and administered primarily for the acquisition and enhancement of skills that benefit current job performance, and secondarily for future career potential with the County.
- g. Employees should be encouraged to plan career goals and to take courses in support of those goals that will develop their skills and abilities and result in enhanced value to the County. Career development is considered necessary for continued growth in one's current position and future employment in the County.
- h. Training and Career Development should be an integral component of the performance evaluation and goal setting process between the employee and the supervisor.
- i. If an employee uses the Tuition Reimbursement Program, the employee will be required to enter into an agreement with the County to reimburse the County for the full amount of costs associated with the course taken through the Tuition Reimbursement Program if the employee fails to remain with the County for at least 12 months following the completion of the course.

#### **IV. Specific Requirements for the Tuition Reimbursement Program**

Justification for having an employee's "education plan" funded through the Tuition Reimbursement Program is provided by the employee to the immediate supervisor for their review. The following guidelines apply for this program.

- a. The education plan must enhance the skills of the employee in his or her immediate position, or for a position that the employee might reasonably be expected to fill in the future through such management directed actions as promotion, reassignment, reclassification, transfer or creation of a new position. It is recognized that some courses taken, such as electives, are not necessarily, directly attributable to an employee's occupation but are necessary to complete the education plan whether it be a formal degree or a professional designation such as a Certified Public Accountant, for example.
- b. The employee may take several courses in succession in order to complete a program or curriculum. The maximum number of semester hours reimbursable is 18 semester hours per calendar year based on a cost per semester hour at George Mason University.
- c. Requests for reimbursement must be submitted to the employee's supervisor no less than one (1) month prior to the closing of registration for the individual course. The request must include the total cost of the course, all pertinent details of information concerning the course - such as the name of the facility offering the

course, course title, number of credit hours pursued - and a clear demonstration that the course is job related. If the reimbursement is for a class or period of instruction that is part of an overall and previously approved training program, then the test for reimbursement justification will have been met.

- d. The Personnel Director shall review the request and, upon approval from the County Administrator, shall require execution of a contract. (Tuition Reimbursement Agreement) between the employee and the County whereby the employee will agree to reimburse the County the total cost of the tuition assistance should the employee decide to leave County service prior to twelve (12) months following completion of the course.

The employee must bear the initial cost of registration, books, tuition and other fees necessary for enrollment. After successful completion of the course by attainment of a grade of "C" or higher, or a "passing" grade for courses

- e. taken on a pass/fail basis, the employee, upon presentation of an official bill or receipt of payment, may be fully reimbursed at 100 percent of the total allowable costs of the period of instruction.
- f. Allowable expenses include registration fees, tuition, lab fees and other charges for general school services. Allowable expenses do not include books, equipment, mileage and meals reimbursement.
- g. All reimbursements are subject to the availability of funds within the Personnel Department's budget. In the event it becomes apparent that the amount appropriated for this program will not be adequate to fund all legitimate requests, approvals will be granted based upon the intent of serving as many employees as possible.
- h. Courses may be attended during scheduled or nonscheduled work hours, subject to supervisory approval. Discretion, leadership, and individual department head judgment should be used if some courses will impact on the employee's scheduled work hours. In the event that approval is not granted for class attendance during employee's scheduled work hours, employee will be required to use annual or compensatory leave to cover time away from the office.

## **V. Educational Leave (Leave Without Pay)**

When it is in the best interest of the County to do so, a full-time permanent employee may be granted leave without pay for a period not to exceed one (1) year for formal education continuance, such as the attainment of a degree or professional certification or license. Such leave must be recommended and approved by appropriate supervisory levels, submitted to the Personnel Director for comments, then forwarded to the County Administrator for final approval. Such leave which extends beyond ninety (90) days must receive prior approval from the Board of Supervisors.

It should be noted that the employee will be reinstated to their former position at the completion of the Leave Without pay period determined by the Board of

Supervisors.

Employees on leave without pay who do not remain in the County service for at least the agreed upon length of time will be required to pay back the amount of the educational reimbursement provided by the County proportionate to the length of time not served. The Tuition Reimbursement Agreement form must be completed prior to granting the employee this type of leave.

#### **VI. Enrollment in Special Courses of Study (Leave With Pay)**

All full-time permanent employees, who have completed their probationary period., engaged in professional or technical work may be granted a leave of absence, not to exceed one (1) year with full or partial pay for enrollment in a special institute or course of study deemed to be of direct benefit to the County government. Such leaves of absence, together with the amount of pay to be provided, must be recommended and approved by appropriate supervisory levels, submitted to the Personnel Director for comments, then forwarded to the County Administrator for final approval. Such leave which extends beyond ten (10) working days must receive prior approval from the Board of Supervisors.

This type of leave may be granted only if the employee indicates his/her intent to remain in County service for a minimum of twelve (12) months upon completion of the course of study, or for such other period of time as recommended to and approved by the Board of Supervisors. Employees on leave with full or partial pay, who do not remain in the County service for at least the agreed upon length of time will be required to pay back the amount of the educational reimbursement provided by the County proportionate to the length of time not served. The Tuition Reimbursement Agreement form must be completed prior to granting the employee this type of leave.

#### **VII. Maintenance of Training Files**

A copy of all education and training courses completed by employees requiring official County approval for expenditure of County funds, or leaves of absence from official duty, shall be placed in the employee's official personnel record. Inclusion and maintenance of such training information shall be recognized as helpful in determining future training needs, evaluating career development, determining qualification and assuring appropriateness of training requests. The administration of the County's Training Program is the responsibility of the Personnel Department.

### **Fauquier County**

#### **Education Training Reimbursement Agreement**

##### **For Leave With or Without Pay**

I, [Name of employee], do hereby acknowledge and agree that should I terminate my employment with the County, or am terminated with cause, within 12 months of the completion date of my educational leave [with or without] pay, my final County compensation will be less a proportionate share of educational reimbursements

I have received from the County for my attendance at [School or Institution] .  
If my final compensation from the County is not sufficient to cover these costs, I covenant and agree that I will be responsible for full reimbursement of these costs to the County.

I hereby acknowledge that if I receive a grade of less than "C" or "Passing" the County will not reimburse any expense.

I also hereby acknowledge that [Name of Official] , has discussed this policy, the expenses for which I may be reimbursed, and the meaning of this agreement with me, prior to being granted educational leave [with or without] pay and that I understand the terms of the policy and this agreement.

Signature of Employee

Date

Signature of Official

Date

Special Exception (#SE00-CR-13); Waiving the Requirements for the Type I Private Streets in RA and RC Zones Cedar Run Magisterial District – Robert E. and Frances Faylor, Owners, and Larry L. Wood, Applicant

## RESOLUTION

A RESOLUTION APPROVING SPECIAL EXCEPTION #SE00-CR-13

ROBERT E. AND FRANCES R. FAYLOR, OWNERS, AND

LARRY L. WOOD, APPLICANT

WAIVE THE REQUIREMENT FOR A TYPE I PRIVATE STREET

IN RURAL ZONING DISTRICT

WHEREAS, Robert E. and Frances R. Faylor, owners, and Larry L. Wood, applicant, have applied for a special exception under Section 28 of the Zoning Ordinance to waive the Type I Private Street requirement and a public hearing was duly advertised before the Fauquier County Planning Commission; and

WHEREAS, on August 31, 2000, the Fauquier County Planning Commission held a public hearing on the special exception request of Robert E. and Frances R. Faylor, owners, and Larry L. Wood, applicant; and

WHEREAS, at its meeting on August 31, 2000, the Fauquier County Planning Commission approved a motion recommending approval of the requested special

exception subject to certain conditions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of October 2000, That the Board of Supervisors does hereby approve the special exception request of Robert E. and Frances R. Faylor, owners, and Larry L. Wood, applicant, for a waiver of the Type I Private Street requirement subject to the following conditions:

1. This special exception is intended for the proposed new lot only. This lot is to be approximately five (5) acres (or less) in size and shall be proximate to location as shown on the attached special exception plat.
2. Any further subdivision of this property (i.e., either the proposed new lot or the residue parcel) which would utilize a Type II or Type III private street would require a new special exception application and appropriate approvals.
3. The applicant will clean the existing pipe of all sediment from both ends of the culvert for approximately 5' or install a new culvert pipe in accordance with VDOT standards.
4. Any further development on the residue parcel will require a private Type I roadway.
5. Prior to the subdivision of the property, a road maintenance agreement applicable to all three (3) users of the roadway will be executed.

A Request for the Board of Supervisors to Reduce the Time Requirement of Section 2-39.3.A.3 of the Subdivision Ordinance to Allow the Applicant to Transfer a Family Transfer Parcel to Non-Immediate Family Member – Mr. and Mrs. Robert Tyler Laing, Owners

#### RESOLUTION

A RESOLUTION TO APPROVE THE REQUEST OF

R. TYLER LAING AND JANET S. LAING TO REDUCE THE

TIME REQUIREMENT OF SECTION 2-39.3.A.3 OF THE

FAUQUIER COUNTY SUBDIVISION ORDINANCE TO ALLOW

THEM TO TRANSFER A FAMILY TRANSFER TO A NON-IMMEDIATE

FAMILY MEMBER

WHEREAS, the applicants, R. Tyler Laing and Janet S. Laing, were the recipients of a family transfer parcel in November 1993; and

WHEREAS, a number of changed circumstances have made it a severe hardship for Mr. and Mrs. Laing to continue to own the property; and

WHEREAS, Section 2-39.14 of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of October 2000, That the requirement that Mr. and Mrs. R. Tyler Laing hold their family transfer parcel for a period of ten (10) years be reduced so that the parcel may be transferred to a non-immediate family member.

SUPERVISORS TIME

- ° Mr. Atherton extended his thanks to the PEC, Congressman Wolf, the Department of Natural Resources and everyone that worked together to make possible the purchase and preservation of the 7,000 acre Ovoka Farm located in Paris Valley.
- ° Mr. Winkelmann stated that he spoke at the Virginia House of Delegates' Counties, Cities and Towns Committee meeting in Leesburg last week.
- ° Mr. Weeks announced that the Board of Supervisors agenda is now available to the public by going to Fauquier County's Internet Home Page. He also stated that until accepted by the Board of Supervisors, all items are in draft form and subject to change.

**ORDINANCE AMENDING CHAPTER 8, ARTICLE IX, RELATING TO TAXES ON GAS, ELECTRIC AND OTHER UTILITY SERVICES TO INCORPORATE AMENDMENTS REQUIRED BY THE CODE OF VIRGINIA**

A Public Hearing was held to consider amending Chapter 8, Article IX of the Fauquier County Code relating to taxes on gas, electric, and other utility services to incorporate amendments required by the Code of Virginia. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Mrs. Sharon McCamy; Mr. Raymond Graham*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE IX,



RELATING TO TAXES ON GAS, ELECTRIC AND OTHER  
UTILITY SERVICES TO INCORPORATE AMENDMENTS  
REQUIRED BY THE CODE OF VIRGINIA

WHEREAS, Chapter 8, Article IX, of the Code of Fauquier County provides for the taxation of gas, electric and other consumer utility services; and

WHEREAS, Article IX currently provides for the taxation of consumer utility services based upon the monthly gross charge made by the provider of a utility service against the purchaser; and

WHEREAS, the General Assembly of Virginia has provided, by amendment of Virginia Code §58.1-3814, that taxes on Consumer Electric Utility Services shall be based on kilowatt (kWh) delivered to the purchaser including customer charges; and

WHEREAS, the General Assembly of Virginia has provided, by amendment of Virginia Code §58.1-3814, that taxes on Consumer Gas Utility Services shall be based on cubic feet of gas delivered to the purchaser; and

WHEREAS, the General Assembly of Virginia has required that the amendments to local ordinances mandated by Virginia Code §58.1-3814 be adopted by October 31, 2000; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County this 16th day of October 2000, That Chapter 8, Article IX, of the Code of Fauquier County be and is hereby amended to read as follows:

Section 8-22. Definitions for Utility Services other than gas or electric utility services.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commercial or industrial consumer: The owner or tenant of property used for commercial or industrial purposes, including the owner of master-metered apartments, who pays for utility service for such property.

Gross charges: Subject to the exclusions of this section, the amount charged or paid for the taxable purchase of local telecommunication services. However, "gross charges" shall not include the following:

- (1) Charges or amounts paid that vary based on the distance and/or elapsed transmission time of the communication that are separately stated on the consumer's bill or invoice.
- (2) Charges or amounts paid for customer equipment, including such equipment that is leased or rented by the customer from any source, if such charges or amounts paid are separately identifiable from other amounts charged or paid for the provision of local telecommunication services on the service provider's books and records.

- (3) Charges or amounts paid for administrative services, including, without limitation, service connection and reconnection, late payments, and roamer daily surcharges.
- (4) Charges or amounts paid for special features that are not subject to taxation under §4251 of the Internal Revenue Code of 1986, as amended.
- (5) Charges or amounts paid that are (i) the tax imposed by §4251 of the Internal Revenue Code of 1986, as amended, or (ii) any other tax or surcharge imposed by statute, ordinance or regulatory authority.
- (6) Bad debts.

Local telecommunication service: Subject to the exclusions stated in this section, includes, without limitation, the two-way local transmission of messages through use of switched local telephone services; telegraph services; teletypewriter; local cellular mobile radio telecommunication services; specialized mobile radio; stationary two-way radio; or any other form of two-way mobile and portable communications.

Local telephone service: Subject to the exclusions stated in this section, includes any service subject to federal taxation as local telephone service as that term is defined in §4252 of the Internal Revenue Code of 1986, as amended, or any successor statute.

Metered Gas or Electric Utility Service: a gas or electric utility service which is provided to a consumer wherein the charge for the service is based upon a metered volume kWh for electric or CCF for gas and for which a tax is imposed under Section 8-23 and Section 8-23.1 of this Article. Unmetered service of gas or electric shall be taxed in accordance with Section 8-22 of this Article.

Mobile local telecommunication service means any two-way mobile or portable local telecommunication service, including cellular mobile radio telecommunication service and specialized mobile radio.

Person: Individuals, firms, partnerships, associations, corporations and combinations of individuals of whatever form and character.

Consumer: Every person who individually, or through agents, employees, officers, representatives, or permittees, makes a taxable purchase of a utility service in this jurisdiction.

Residential consumer: The owner or tenant of property used for residential purposes, including but not limited to, apartment houses and other multiple family dwellings, not to include, however, any consumer of mobile local telecommunication service.

Service Provider: Every person, whether a public service corporation or not, who sells or furnishes a utility service of gas, electric, local telephone, or mobile local telecommunication service.

Service Address means the location of the telecommunication equipment from which a telecommunication is originated or at which the telecommunication is received by a consumer. However, if the service address is not a defined location, as in the case of mobile telephones, maritime systems, air-to-ground systems and the like, service address shall mean the location of the subscribers primary use of the

telecommunication equipment within the licensed service area. A mobile service provider may obtain a signed statement from a consumer indicating which county, city or town within the licensed service area is in the location of the consumer's primary use of the telecommunication equipment. A mobile service provider shall be entitled to rely absolutely on a consumer's signed statement and shall remit the taxes collected to the county, city or town identified by the consumer. In the absence of a signed statement by the consumer, a mobile service provider shall identify the county, city or town of the consumer's primary use and shall remit the tax to such county, city or town based on any other reasonable method, including, without limitation, the consumer's billing address, service address, or telephone number within the licensed service area.

Utility service for other than gas or electric utility services: Includes local telephone service (excluding long distance messages), mobile local telecommunication service, and services furnished in the county.

Sec. 8-22.1. Consumer utility tax imposed on utility services other than metered gas and electric utility services; rate.

There is hereby imposed and levied by the county upon each and every residential consumer of a utility service other than metered gas and electric utility services, a tax in the amount of twenty (20) percent of the monthly gross charge (exclusive of any federal tax thereon) made by the service provider against the residential consumer with respect to each utility service other than metered gas or electric which tax in every case shall be paid by the residential consumer unto the service provider for the use of the county at the time the purchase price or such charge shall become due and payable under the agreement between the residential consumer and the service provider; provided, that in case any monthly bills submitted by any service provider for residential utility service shall exceed fifteen dollars (\$15.00) for a residential consumer, there shall be no tax computed on so much of said bill as shall exceed fifteen dollars (\$15.00); notwithstanding the foregoing there is hereby further imposed and levied by the county upon each and every consumer of a mobile local telecommunication service a tax in the amount of ten (10) percent of the monthly gross charge (exclusive of any federal tax thereon) made by the telecommunication service provider against the consumer with respect to the mobile local telecommunication service which tax in every case shall be paid by the consumer unto the telecommunication service provider at the time the purchase price or such charge shall become due and payable under the agreement between the consumer and the service provider; provided, that in case any monthly bills submitted by any service provider for mobile local telecommunication service shall exceed thirty dollars (\$30.00) for a mobile local telecommunication consumer, there shall be no tax computed on so much of said bill as shall exceed thirty dollars (\$30.00); there is further hereby imposed and levied by the county upon each and every commercial or industrial consumer of a utility service other than gas or electric, a tax in the amount of ten (10) percent of the charge (exclusive of any federal tax thereon) made by the service provider against the consumer with respect to each utility service. other

than metered gas or electric, which tax in every case shall be collected by the service provider from the consumer and shall be paid by the consumer unto the service provider for the use of the county at the time the consumer price or such charge shall become due and payable under the agreement between the consumer and the service provider; provided, that in the case any monthly bill submitted by any service provider for commercial or industrial utility services, other than metered gas or electric, shall exceed one thousand dollars (\$1,000) for a commercial consumer; there shall be no tax computed on so much of said bill as shall exceed one thousand dollars (\$1,000). In case bills are submitted by any service provider for two (2) months service, there shall be no tax computed on so much of said bill as shall exceed thirty dollars (\$30.00) for a residential user of utility services other than metered gas or electric utility services.

**Sec. 8.23. Electric Utility Consumer Tax**

(a) In accordance with Virginia Code §58.1-3814, there is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by such provider, as follows:

- (1) Residential consumers: Such tax shall be twenty percent (20%) of the monthly charge minimum imposed by the service provider, plus the rate of \$0.016070 on each kWh delivered monthly to residential consumers, not to exceed \$3.00 per month.
- (2) Non-residential consumers: such tax on non-residential consumers shall be at the rates per month for the classes of non-residential consumers as set forth below:
  - (i) Commercial consumers - such tax shall be ten percent (10%) of the minimum monthly charge imposed by the service provider, plus the rate of \$0.007887 on each kWh delivered monthly up to 1500 kWh, plus the rate of \$0.007184 on each kWh delivered monthly in excess of 1500 kWh, not to exceed \$100.00 per month.
  - (ii) Industrial consumers - such tax shall be ten percent (10%) of the minimum monthly charge imposed by the service provider, plus the rate of \$0.007887 on each kWh, delivered monthly, up to 1500 kWh, plus the rate of \$0.007184 on each kWh delivered monthly in excess of 1500 kWh, not to exceed \$100.00 monthly.
- (3) The conversion of tax pursuant to this ordinance to monthly kWh delivered shall not be effective before the first meter reading after December 31, 2000. prior

to which time the tax previously imposed by this jurisdiction shall be in effect.

Sec. 8.23.1. Local natural gas utility consumer tax.

- (a) In accordance with Virginia Code §58.1-3814, there is hereby imposed and levied a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities, classified by "class of consumers" as such term is defined in Virginia Code §58.1-3814J., as follows:
  - (1) Residential consumers: Such tax on residential consumers of natural gas shall be twenty percent (20%) of the minimum monthly charge imposed by the service provider, plus the rate of \$0.1867 per CCF delivered monthly to residential consumers, not to exceed \$3.00 monthly.
  - (2) Non-residential consumers: such tax on non-residential consumers shall be at the rates per month shown for each CCF delivered by a pipeline distribution company or a gas utility for the classes as set forth below:
    - (i) Commercial consumers - such tax shall be ten percent (10%) of the minimum monthly charge imposed by the service provider, plus the rate of \$0.07783 on each CCF delivered monthly to commercial consumers, not to exceed \$100.00 monthly.
    - (ii) Industrial consumers - such tax shall be ten percent (10%) of the minimum monthly charge imposed by the service provider, plus the rate of \$0.07783 on each CCF delivered monthly to industrial consumers, not to exceed \$100.00 monthly.
  - (3) The conversion of tax pursuant to this article to monthly CCF delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.

Sec. 8-24. Billing Collection and remittance of consumer utility tax.

- (a) Until the consumer pays the tax to the service provider, the tax shall constitute a debt to the locality. The service provider shall bill the consumer tax to all users who are subject to the tax and to whom it delivers utility services and shall remit the same to the county on a monthly basis. Such taxes shall be paid by the service provider in the manner set forth in:

- (i) Virginia Code §58.1-3814, paragraphs F and G, and §58.1-2901 for providers of electric utility services;
- (ii) Virginia Code §58.1-3814, paragraphs H and I, and §58.1-2901 for providers of gas utility services; and
- (iii) Virginia Code §58.1-3814, paragraph G, and §58.1-2901 for all other providers of utility services.

If any consumer receives and pays for utility services, but refuses to pay for a tax imposed by this Article, the service provider shall notify the county of the name and address of such consumer. If any consumer fails to pay a bill by a service provider, including a tax imposed by this Article, the service provider must follow its normal collection procedures and upon collection of the bill or any part thereof must apportion the net amount collected between the charge for the utility service and the tax and remit the tax portion to this county. Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider to this jurisdiction.

(b) Bills shall be considered as monthly bills for the purposes of this ordinance if submitted 12 times per year of approximately one month each. Accordingly, the tax for a bi-monthly bill (approximately 60 days) shall be determined as follows:

- (i) For electric utility services: (A) the kWh will be divided by 2; (B) a monthly tax will be calculated using the rates set forth above; (C) the tax by (B) of this subsection shall be multiplied by 2; (D) the tax in (C) of this subsection may not exceed the monthly "maximum tax".
- (ii) For gas utility services: (A) the CCF will be divided by 2; (B) a monthly tax will be calculated using the rates set forth above; (C) the tax determined by (B) of this subsection shall be multiplied by 2; (D) the tax in (C) of this subsection may not exceed twice the monthly "maximum tax".

Sec. 8-25. Collection; effective dates; dedication for solid waste collection and disposal.

It shall be the duty of every service provider in acting as the tax collecting medium or agency for the county to collect from the consumer for the use of the county tax hereby imposed and levied at the time of collecting the purchase price charged therefor, and the taxes collected during each calendar month shall be reported by each service provider to the Commissioner of the Revenue and each service provider shall remit the amount of tax shown by said report to have been collected to the County Treasurer on or before the last day of the second calendar month thereafter, together with the name and address of any consumer who has

refused to pay his tax. The required reports shall be in the form prescribed by the Commissioner of the Revenue. All revenues derived from any utility services tax imposed by this Article shall be, to the extent necessary, used for solid waste collection and disposal.

Sec. 8-26. Records to be maintained.

Each and every service provider shall keep complete records showing all purchases in the county, which records shall show the price charged against each consumer of utility services with respect to each consumer, the date thereof, and the date of payment thereof, and the amount of tax imposed hereunder, and such record shall be kept open for inspection by the duly authorized agents of the County at reasonable times, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.

Sec. 8-27. Application of article to telephone service.

The tax hereby imposed and levied on purchasers with respect to local exchange telephone service shall apply to all charges made for local exchange telephone service, except local messages which are paid for by inserting coins in coin-operated telephones.

Sec. 8-28. Exemptions.

The following consumers of utility services are exempt from the taxes imposed under this Article:

- (a) The United States of America, the State of Virginia, and the political subdivisions thereof, including this jurisdiction;
- (b) Any public safety agency as defined in Virginia Code §58.1-3813; and
- (c) Utility sales of products used as motor vehicle fuels.

Sec. 8-29. Penalties.

Any consumer of a utility service failing, refusing or neglecting to pay the tax imposed and levied under this ordinance, and any officer, agent or employee of any service provider violating the provisions of this article shall, upon conviction thereof, be punished by a fine of not less than \$100.00, nor more than \$2,500.00. Each such failure, refusal, neglect or violation shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection, and remittance of the tax as provided in this ordinance.

and, be it

FURTHER ORDAINED that the County Administrator shall provide all consumer utility service providers written notice by certified mail to the service provider, or in the case of a utility service corporation to its registered agent, or in the case of the gas pipeline distribution company to its registered agent, of the amendments to Article IX of Chapter 8 contained in this Ordinance, and in Article IX, Chapter 8, and of the service providers' requirement to collect a consumer utility tax provided that such notice shall be given a minimum of 60 days prior to the effective date of this ordinance; and be it

FINALLY ORDAINED, that this Ordinance shall be effective on January 1, 2001.

With no further business, the meeting was adjourned.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on October 16, 2000.*

*G. Robert Lee*

Clerk

*Updated 12/15/2000.*